

## II. “STATE BOARDS”

### A. WHAT IS A STATE BOARD?

In addition to the statutory definition limiting application of the Act to “State” boards, this question has also been indirectly posed to the Commission in the context of whether certain local or regional boards are covered by the Ethics Act.<sup>3</sup>

The General Assembly did not include a definition of “State” in the Act. However, as discussed more fully below, the plain language of the statute, the legislative history, and legislative intent all support the view that the Act is referring to purely “State” boards and does not cover local or regional boards of the sort questioned. Identified below are some characteristics that help identify and distinguish “State” boards from certain local or regional boards that present coverage questions.

#### *Statutory Interpretation*

In resolving issues concerning statutory construction, the primary task is to give full expression to the true intent or purpose of the legislature. “Legislative purpose is first ascertained from the plain words of the statute.” Electric Supply Co. v. Swain Electrical Co., 328 N.C. 651, 656, 403 S.E.2d 291, 294 (1991). Absent any ambiguity and where words are not defined in the statute, the words are accorded their plain and ordinary meaning, unless it appears from the context that they should be taken in a different sense. Crowell Constructors, Inc. v. State Ex Rel. Cobey, 342 N.C. 838, 467 S.E.2d 675 (1996). One should not result to subtle and forced construction for the purpose of either limiting or extending a statute’s operation. State v. Carpenter, 173 N.C. 767, 92 S.E. 373 (1917). But in determining the meaning of a term, one must always look back to the intent or will of the legislature and attempt to find a meaning consistent with the intent.

The North Carolina Supreme Court has ruled that:

[I]n ascertaining the intent of the Legislature in cases of ambiguity, regard must be had to the subject matter of the statute, as well as its language, i.e., the language of the statute must be read not textually, but contextually, and with reference to the matters to be dealt with, the object and purposes sought to be accomplished, and in a sense which harmonizes with the subject matter.

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<sup>3</sup> Faculty of the School of Government analyzed the Ethics Act and its applicability to, and implications for, local government boards. They identified two separate types of boards for which it is “unclear” whether the Ethics Act might apply: 1) local boards having a direct connection to the state; and 2) certain regional boards. The article notes that the Commission is the entity charged with providing clarity on such questions, absent guidance directly from the General Assembly. A Fleming Bell, II and Norma Houston, “2006-2007 Ethics and Lobbying Reform: Applications and Implications for Local Governments,” Local Government Law Bulletin No. 116, Oct. 2007, 5. **Attachment D.**